

MINUTES
ZONING BOARD OF APPEALS
DECEMBER 12, 2012 – 7:00 P.M.
TOWN HALL ANNEX – COMMUNITY ROOM 1

I. ROLL CALL

Present: Grady, Kravits, Manning, Russotto, Stebbins
Absent: Mencer
Staff: Jones, Gilot

Chairman Stebbins called the meeting to order at 7:00 p.m. and reviewed the public hearing procedures.

II. PUBLIC HEARING

ZBA#12-07 – 1250 Gold Star Highway, JJMA Realty LLC, Owner, Chelsea Groton Bank, Applicant; for modifications to ZBA Variance Approval #88-12 and additional variances as follows:

Request to vary Section 5.2 to reduce a portion of the front yard building setback along Candlewood Road from the previously approved 21 feet, down to 7 feet, to allow for the northerly extension of the existing drive through window canopy; to vary Section 5.2 to reduce a portion of the front yard building setback along Gold Star Highway from the previously approved 37 feet, down to 32 feet, in order to accommodate a portion of the existing building roof overhang; to vary Section 7.4-3 B to reduce the required 10 foot wide front yard landscape buffer along a portion of the northerly yard abutting Candlewood Road to 0.61 feet in width, and along a portion of the southerly yard abutting Gold Star Highway to no less than 4 ½ feet in width.

Request for additional variances as follows:

Request to vary Section 7.1-36 A to allow the new/additional drive through lane to be located within a front yard; to vary Section 7.1-36 C to allow a total of 11 (eleven) total stacking spaces for the double lane drive through, in lieu of the required 20 (twenty) stacking spaces; to vary Section 7.1-36 F to allow the stacking space exiting the new proposed drive through lane to be located within 19 ½ feet of the curb line of Candlewood Road; to vary Section 7.4-5 B, to reduce the required 5 foot wide parking area perimeter landscape strip along a portion of the Gold Star Highway frontage to no less than 4 ½ feet wide and along a portion of the Candlewood Road frontage to no less than 0.61 feet wide; and to vary Section 6.12-4 A to allow a total impervious coverage of 73.1 %. PIN 179020811110, CB-15 zone.

Secretary Manning read the legal notice and stated that the mailings were in order.

Jay Fisher, Vice President of AccuBranch, 40 Cold Spring Road, Rocky Hill, and Dan Kroeber, PE, Milone & MacBroom, 99 Realty Drive, Cheshire, represented the applicant, Chelsea Groton Bank. The proposal is to convert the former coffee shop building into a new bank branch with two drive-through lanes. Proposed upgraded facades, landscaping, and a modified traffic pattern were reviewed. The footprint of the building will remain the same; the roofline would change. The original business, a coffee shop, received variances to allow the building on this site which has three front yards. The Historic District Commission granted a Certificate of Appropriateness for the proposal.

A total of seven variances were requested. Some were to modify ZBA #88-12; others are new. Mr. Fisher detailed each requested variance individually.

Section 5.2 - to allow a roof overhang within 32 feet of Gold Star Highway and a canopy extension over the new drive through within 7 feet of Candlewood Road. (Due to the unusual shape of the property, 585 s.f. would be allowed to be built on if following existing regulations.) Mr. Fisher detailed the original variance, which was based on a measurement from the corner of the building rather than the roof overhang. The existing canopy is within 37 feet of Candlewood Road so they are requesting to modify the existing variance to accommodate the original canopy as well as the extended canopy to cover the second drive through window. The original approval for ZBA #88-12 was distributed to the members.

Section 7.1-36 A - to allow a drive through stacking lane to be located within a front yard. The existing stacking is in a front yard, but was never addressed in the 88 variance; the hardship being the shape of the parcel.

Section 7.1-36 C - to allow 11 total stacking spaces for the double lane drive through, in lieu of the required 20 stacking spaces. Traffic studies at the current site shows the peak is 8 cars. The circulation on the site, as well as the limited entrance/exit on Route 117, and one entrance in/out on Candlewood Road, were reviewed. The applicants have spoken to the State traffic commission regarding the access from Route 117. The stacking requirements for fast food as opposed to a bank were discussed.

Section 7.1-36 F - to allow stacking storage space exiting the new proposed drive through to be located within 19 ½ feet of the curb line of Candlewood Road. The site entrances and exits were detailed; the exit out of the site to 117 would be right-turn only onto Route 117. The stacking storage space for the original building was non-conforming but a variance was never requested. The storage space proposed is 19 ½ feet from edge of curb in lieu of 50 feet.

Section 7.4-3 B - to reduce required 10 ft. wide landscape strip along the front lot line abutting Candlewood Road to 0.61 feet in width - for a specific location, not the whole section, and along the southerly yard abutting Gold Star Highway to no less than 4½ feet in width. The variance is needed to accommodate the second drive through lane. The landscaped area will be increased on the southerly side and the easterly side. The applicant noted that the plan has been modified to accommodate the required 5 foot landscape area along Route 184. The applicant and the Board agreed to eliminate the requested variance for a 4 ½ foot landscape strip along Route 184 as the plan now meets the regulations in this regard.

7.4-5 B - to reduce the required 5 foot wide parking area perimeter landscape strip along a portion of the Gold Star Highway frontage to no less than 4 ½ feet wide and along a portion of the Candlewood Road frontage to no less than .61 feet wide. The applicant noted that the plan has been modified to accommodate the required 5 foot landscape area along Route 184. The applicant and the Board agreed to eliminate the requested variance for a 4 ½ foot landscape strip along Route 184 as the plan now meets the regulations in this regard. The outside drive-through lane is considered part of the parking lot. Staff explained the purpose of the 5 foot strip requirement is to allow shade trees to be planted. The members did not believe the variance was needed but concurred it would be best that the applicant request it to eliminate potential issues at the site plan stage.

6.12-4 A – to allow total impervious coverage of 73.1% in lieu of 70%. A previously approved plan showed the impervious coverage to be at 69.3%. The coverage has not changed, but when measured now it is 73.1% (probably due to a difference in surveys). It is an existing condition, so it must be requested. Mr. Kroeber reviewed the site drainage to Candlewood Road. Groton Utilities requested they upgrade the drainage structures near the site. Five parking spaces would have to be removed in order to reduce the coverage to 70%.

The members concurred that any variances granted would be conditioned to allow a financial institution only, and would not apply to any other use. Discussion ensued on the reasonable use of the property and hardships. Mr. Fisher said he felt that they are not really modifying the site a lot, but getting approval for existing conditions. The DOT recommendations were discussed. DOT requires the applicant to get Town approvals before they would grant permits. If the applicant is not granted the Route 117 access, the only thing to change would be circulation; no change in the variances requested.

The Chairman asked if anyone in the public wished to speak in favor of the application.

Andrew Mackarowski, Bob's Auto, 277 Candlewood Road, spoke in favor of the application.

Don Schoolcraft, 350 Ring Drive, owner of 277 Candlewood Drive, spoke in favor of the application. He had concerns with opening Candlewood at Route 117 but had seen the design and was satisfied.

Joel Garrett, 1188 North Road, spoke in favor of the application, but was opposed to opening Route 117 to Candlewood Road.

Roscoe Merritt, 19 Birmingham Court, RTM representative, District 1, spoke in favor of the application.

The Chairman asked for comments in opposition to the application.

Nicki Bresnayan 2266 Gold Star Highway, a Town employee, spoke as a private citizen representing herself and her father, Nicholas Bresnayan, 214 Candlewood Road. Ms. Bresnayan had objections to the site expansion into Candlewood Road and egress to Route 117. Ms. Bresnayan felt the applicant did not meet 2 of the hardship tests: the bank could operate a smaller operation that would accommodate existing conditions; also, if all of the 17 proposed parking spaces are not required, they could reduce the parking spaces to reduce the impervious coverage.

The following items were read into the record:

- A letter from Ledge Light Health District, stating the proposal met health code requirements.
- Planning Commission favorable referral on variances of all sections except 6.12-4 A.

Jay Fisher addressed the public comments, noting that both previous businesses went out of business. Mr. Fisher said there are 17 existing parking spaces, but only 10 are required.

Michael Rauh, Chelsea Groton Bank, 904 Poquonnock Road, addressed the Board regarding the second drive-through lane.

Nicki Bresnayan, 2266 Gold Star Highway, stated that the Tim Horton's and Bess Eaton franchises did not fail because of the site, but closed because the parent companies went out of business.

Staff said approvals could be conditioned, limiting the use of the building to a financial institution or requiring increased landscaping on State and Town rights of way.

Roscoe Merritt, 19 Birmingham Court, said he would like to see more diversity in this town other than restaurants.

The public hearing was closed at 9:04 p.m. The Board took a short break and reconvened at 9:09 P.M.

III. MEETING FOLLOWING PUBLIC HEARINGS

1) Decisions on Public Hearing Applications

ZBA#12-07 – 1250 Gold Star Highway, JJMA Realty LLC, Owner, Chelsea Groton Bank, Applicant

Most variances requested were for existing conditions; not much new requested. Also, the hours would be more limited than a donut shop.

The members expressed concern with owners not being present for applications, and said they would really like owners to be present for any future applications, and suggested that may be an area that should be modified in the regulations.

Staff discussed considering adding conditions to the variances to limit the use of the building to a bank and requiring increased landscaping off-site to substitute for the reduced landscape areas.

MOTION: To grant the variances as requested to Sections 5.2, 7.4-3B, 7.1-36A, 7.1-36C, 7.1-36F, and 7.4-5B as noted in the call of the public hearing and as amended.

Motion made by Russotto, seconded by Grady.

MOTION PASSED UNANIMOUSLY.

MOTION: To condition the approved variances to Sections 7.1-36 A, 7.1-36C and 7.1-36F upon the use of the site by a bank or financial institution only.

Motion made by Grady; seconded by Kravits.

MOTION PASSED 4 – 1, 1 opposed (Russotto).

MOTION: To grant a variance to Section 6.12-4A as requested.

Motion made by Russotto, seconded by Stebbins.

MOTION DENIED 1-4, 4 against (Russotto, Grady, Manning, Stebbins).

2) Correspondence – Staff distributed copies of the CFPZA quarterly newsletter.

3) Minutes – Meeting of October 24, 2012

MOTION: To approve the minutes of October 24, 2012 as presented.

Motion made by Russotto, seconded by Grady. MOTION PASSED UNANIMOUSLY.

4) New Business

a) New Applications

Staff said an application was received for a variance for a side yard setback to expand a garage for property at 5 Pearl Street, Pavone Residence.

5) Report of Staff - None

Grady informed staff that she will be away for the winter, and will return in late March.

IV. ADJOURNMENT

Motion to adjourn at 10:08 p.m. was made by Russotto, seconded by Grady, so voted unanimously.

Tom Manning, Secretary
Zoning Board of Appeals

Prepared by Debra Gilot, Office Assistant III